

REMARKS

Claims 1-15 and 17-21, are the claims pending in the application. Applicant gratefully acknowledges the Examiner's allowance of claims 3-5, 13 and 14. Applicant has rewritten claims 3 and 4 in independent form placing these claims, and related claims 5 and 13 in condition for immediate allowance. Please note, claim 14 is in an independent claim not a dependent, thus claim 14 should be allowable in the current form without having to be written, and thus not objected. Nonetheless, Applicant has amended claim 14 consistent with independent claim 2 regarding "an agriculturally acceptable carrier," as well as amended dependent claim 15 consistent with claim 1. Claims 1, 6-12, 15 and 17-21 stand rejected under 35 U.S.C. Section 112, Second Paragraph. Claims 1, 2, 6, 7, 12, 19 and 20 stand rejected on prior art grounds. Applicants respectfully traverse the prior art rejection based on the following discussion.

I. The 35 U.S.C. Section 112, Second Paragraph Rejection

In response to the Examiner's comments, Applicant, as indicated above, has amended claims 1, 15, 17 and 21, consistent with the recommendations. Please note, Applicant has amended claims 1, 2, 14 and 21 to define "acceptable carrier," and "agriculturally acceptable carrier" consistent with the detailed discussion in the Application. Further, Applicant unsuccessfully attempted to contact the Examiner to discuss claims 15 and 17. Accordingly, Applicant has amended claims 15 and 17 though it was not entirely clear what action was required by the Applicant. Thus, the Applicant respectfully requests that the Examiner contact the Applicant should the amendments not address the concerns raised in the Office Action. (See Application, Page 17, line 7- Page 21, line 15).

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. The Prior Art Rejections

Claims 1, 2, 6, 7, 12, 19 and 20 are rejected under 35 U.S.C. Section 102(b) as anticipated by DeMilo, et al. ("DeMilo") (J. Heterocyclic. Chem. 10: 231-233, 1973).

A. The DeMilo Reference

Regarding claims 1, 2, 6, 7, 12, 19 and 20, DeMilo fails to disclose, teach or suggest the features of independent claims 1 and 2, and related dependent claims 6, 7, 12, 19 and 20 as well as related claims 8-12, including the Rx is selected from -NH₂, -OH, halogen, alkyamino, carboxyalkyl, carboxy, and a sulfonamide moiety. (See Application, Page 4, lines 14-16; and Page 5, lines 10-15). Instead, as indicated in the previous Office Action of May 24, 2005, Scheme 1 of DeMilo merely teaches a conventional insect sterilant involving tertiary amine functional groups, including 2,4,6-tris(dimethylamino)-s-triazine 2 undergoing two reactions resulting in a rearranged more stable 5,7-bis(dimethylamino)- 3-(methylthio)-s-triazole [2,3- α]-triazine 5a. The resultant 5,7-Bis(dimethylamino)-3-(methylthio)-s-triazole [2,3- α]-triazine 5a includes the rearranged methyl mercaptan on the triazolyl ring and a nitrogen to nitrogen bond in lieu of the carbon-nitrogen bond of the HI salt 3. Accordingly, the mercapto compound and the two methyl mercapto compounds may have anticipated the previously claimed compound of claims 1 and 2 when SR₁ is SH or S-Me. However, Applicant, as indicated above and below, has amended claims 1 and 2 to exclude the mercapto compound. Therefore, DeMilo does not anticipate Applicant's claimed invention. (See Office Action, Page 4,

3rd Paragraph, lines 7-12; and DeMilo, Page 231, Column 1 and Column 2, and Scheme 1).

Indeed, as indicated above, DeMilo is deficient and does not disclose or teach Applicant's claimed invention. Therefore, DeMilo does not disclose, teach or suggest, including the Rx is selected from -NH₂, -OH, halogen, alkylamino, carboxyalkyl, carboxy, and a sulfonamide moiety. Thus, Applicant's claimed invention is structurally distinct from DeMilo's invention.

In contrast, as indicated above and previously discussed in the prior Amendment, Applicant discloses a triazolyl-triazine composition, or salt therof. The chemical composition has the name 1, 2, -triazolo[4,3-a][1,3,5]triazine-3,5,7-triamine, which includes a triazolyl-triazine structure as indicated in claim 1 and claim 2. The triazolyl ring includes a functional group Rx attached to a carbon of the triazolyl ring, and the triazine ring includes two separate functional groups Ry and Rz. In particular, the functional group Rx is selected from -NH₂, -OH, halogen, alkylamino, carboxyalkyl, carboxy, and a sulfonamide moiety but not an SR₁ moiety, that is, absent a mercapto moiety. (See above).

Accordingly, for emphasis, Applicant's claimed invention includes the functional group Rx which is selected from -NH₂, -OH, halogen, alkylamino, carboxyalkyl, carboxy, and a sulfonamide moiety, whereas DeMilo discloses a compound, including a triazolyl ring with an SR₁ functional group to form a mercapto compound. Thus, again, Applicant's invention is structurally distinct. (See above).

Based on the above, Applicant traverses the assertion that DeMilo teaches Applicant's invention of independent claims 1 and 2, and related claims 6, 7, 12, 19 and 20.

III. Formal Matters and Conclusions

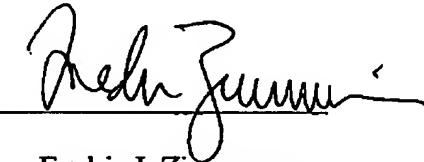
In view of the foregoing, Applicants submit that claims 1-15 and 17-21, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

Dated: 2 November 2005


Fredric J. Zimmerman
Registration No. 48,747

Office of Counsel Code OC4
Naval Surface Warfare Center
Indian Head Division
101 Strauss Ave., Bldg. D-31
Indian Head,

NOV 02 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Koppees, et al.

Serial No.: 10/781,956

Filed: February 20, 2004

Group Art Unit: 1624

Examiner: Balasubramanian,
Venkataraman

Atty. Docket No.: 84,660

For: Agricultural Compositions

Certificate of Transmission by Facsimile

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent and
Trademark Office (Fax No. 703-872-9306)
On, November 2, 2005



Fredric J. Zimmerman, Reg. No. 48,747

EXCESS CLAIM FEE PAYMENT LETTER

Sir:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.

<u>After Amendment</u>	<u>Prev. Paid For</u>	<u>Extra Claims Presents</u>	<u>Rate</u>	<u>Fee Due</u>
Total Claims 21	21	= 0	x\$50.00	\$00.00
Indep. Claims 6	4	= 2	x\$200.00	\$400.00

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT **\$400.00**

The Commissioner is hereby authorized to charge \$400.00 to cover the excess claim fees to Attorney's Deposit Account No. 50-1114. A duplicate copy of this sheet is enclosed. The Commissioner is authorized to any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

Dated: 2 November 2005

Fredric J. Zimmerman
Registration No. 48,747

Office of Counsel Code OC4
Naval Surface Warfare Center
Indian Head Division
101 Strauss Ave., Bldg. D-31
Indian Head, MD 20640-5035